

THE EFFECTIVE DATE OF THIS ORDINANCE IS JANUARY 3, 2006

ORDINANCE NO. 06-02-398

OPINION, FINDINGS AND ORDINANCE
OF
THE BOARD OF COUNTY COMMISSIONERS
OF
FREDERICK COUNTY, MARYLAND

RE: APPLICATION OF URBANA DEVELOPMENT, LLC
REZONING CASE NO. R-05-05
(FOREMAN PROPERTY)

OPINION/FINDINGS

Urbana Development, LLC filed this application to rezone 0.62 acres of land, more or less, from the Agricultural zoning district to the Planned Unit Development (PUD) floating zone. The property is located in the northwest quadrant of the intersection of Maryland Route 80 and Campus Drive approximately 1,800 feet of the intersection of Maryland 355 and Maryland Route 80 in the Urbana Region, all as more fully described in the record.

The staff of the Frederick County Planning Commission recommended approval of the PUD request with the following condition: (1) as part of its Site Plan Review application submission, the applicant shall submit a safety analysis of the access options to the Foreman property.

This parcel has also been identified as the Foreman property. There has been some confusion about the zoning on this property. This property was initially zoned as Agricultural on the County's first Zoning Map in 1959. In the early 1970s, surrounding parcels were reclassified to PUD while the Foreman property retained its Agricultural

zoning designation. Zoning Maps prepared by the County in the late 70s, 80s, and 90s identify the Foreman property as being zoned PUD. The property has not previously been included as part of the Urbana PUD.

Based on all of the evidence submitted in this case, the Board makes the following specific findings of fact (in addition to the findings above) on each of the matters mentioned in Md. Code Ann., Art. 66B, § 4.05(a):

1. **POPULATION CHANGE:** According to the 2000 U.S. Census, the population of the Urbana Region is 10,686 persons. In the immediate local area surrounding this property, substantial recent development has occurred. The best available estimates of the current population in the neighborhood delineated in the Staff Report is approximately 4,091 persons. Development of this approximate 0.62 acre parcel under the Planned Unit Development zoning would not result in any population change.

2. **AVAILABILITY OF PUBLIC FACILITIES**

- A. **SCHOOLS**

The Foreman property is proposed to be developed as a medical office and therefore would not have a direct impact on the capacity at the local County schools.

- B. **FIRE AND RESCUE SERVICES**

The Urbana Volunteer Fire and Rescue Company provides fire and rescue services to this site. The Urbana Volunteer Fire and Rescue Company located on the south side of Maryland 355 is situated less than one mile from the Foreman property.

- C. **POLICE SERVICE**

The Frederick County Sheriff's Department and the Maryland State Police provide police protection. A 2,000 sq. ft. Sheriff's Office Substation is currently planned for FY 2008 and may be part of the Green Valley Fire and Rescue Station project.

D. LIBRARIES

The Urbana community is currently served by the County's central facility, the C. Burr Artz Library on East Patrick Street in the City of Frederick. A new regional library facility is planned for construction in the Urbana mixed-use town center. This new facility will serve as a regional center serving the southern part of Frederick County.

E. PARKS AND RECREATION FACILITIES

Private community recreational facilities available to the residents in the PUD serve this property as well as the public programs and facilities provided by the Frederick County Parks and Recreation Department. The Urbana Community Park is located at the southern terminus of Lew Wallace Street at its intersection with old Maryland 355. A community park, owned and maintained by the Villages of Urbana Homeowners Association, is located directly across Campus Drive from this property. A 95-acre Urbana District Park is proposed adjacent to the northwest portion of the Urbana PUD along MD Route 355.

F. WATER AND SEWER

The property is currently classified in the Frederick County Water and Sewerage Master Plan as W-3 Dev. & S-3 Dev. indicating provision of these services within three years. The existing water and sewer facilities developed to serve the Villages of Urbana are currently constructed and in use.

3. PRESENT AND FUTURE TRANSPORTATION PATTERNS:

A. EXISTING SITE ACCESS CHARACTERISTICS

According to the Planning Commission's Conditional Site Plan Approval (Lot 270 - Quasi-Public Use) on May 11, 2005, current access to this site is provided by way of Addison Woods Road, part of the Urbana PUD internal road network.

B. EXISTING AND PROJECTED TRAFFIC VOLUMES OF MAJOR ROADS IN VICINITY

From the Maryland Department of Transportation, State Highway Administration's AADTS Reports, the traffic count at Maryland Route 80 (.4 miles east of Maryland 355) was 13,975 in 2004; at Maryland Route

355 (.5 miles south of Maryland 80) was 8,375 in 2005; and at Maryland Route 355 (.4 miles north of Maryland 80) was 10,375 in 2004.

C. COMPREHENSIVE PLAN DESIGNATIONS OF MAJOR ROADS IN VICINITY

Maryland Route 355 is designated on the Frederick County Comprehensive Plan as a major arterial. Maryland Route 80 is a minor arterial and Interstate 270 is the primary north-south interstate freeway.

D. PLANNED IMPROVEMENTS

The eventual opening of the re-aligned Maryland Route 355 will have the most immediate impact on this portion of the Villages of Urbana PUD. Vehicular traffic will be able to move directly from the local road network within the PUD to a major arterial by way of a short segment of a local street (Campus Drive) and approximately 850 feet of Maryland 80, a minor arterial roadway. The development of this property is not likely to have a significant impact on traffic movement.

4. COMPATIBILITY WITH EXISTING AND PROPOSED DEVELOPMENT FOR THE AREA.

A. EXISTING LAND USES IN THE NEIGHBORHOOD

Much of the land surrounding the site is currently developed or planned for development as part of the Villages of Urbana PUD and the Urbana Highlands PUD. Lands directly north of the subject property are being developed as low-density single-family homes (approximately 2.3 dwelling units per acre). Immediately adjacent to this property on the east side of Campus Drive is a Village of Urbana community park. To the south across Maryland 80 are the Urbana High School and the future site of the Urbana Middle School. Commercial and office uses are planned for properties on the east side of the relocated Maryland 355 as it approaches and leaves its intersection with Maryland Route 80.

B. SUBDIVISION ACTIVITY IN THE NEIGHBORHOOD

Of the 3,013 residential units planned to be constructed in the Villages of Urbana PUD, 1,819 lots have been recorded as of April 2005. The current planned density for this PUD is approximately 2.8 dwelling units per acre.

C. SUMMARY

This property is surrounded by property within the PUD designation. Development of this property as part of the Urbana Planned Unit Development is compatible with existing and proposed development for the area.

5. **RECOMMENDATION OF THE FREDERICK COUNTY PLANNING COMMISSION:** The Frederick County Planning Commission recommended approval of the PUD Zoning Map Amendment Request with the following conditions: "As part of its Site Plan Review application submission, the applicant shall submit a safety analysis of the access options to the Foreman Property."
6. **RELATIONSHIP OF THE PROPOSED AMENDMENT TO THE FREDERICK COUNTY COMPREHENSIVE PLAN:** This property is located within the designated Urbana Regional Community in the Urbana Region Plan (2004). This site is also located within the Community Growth Limit designated on the Land Use Map. The site itself is designated for Low Density Residential use on public water and sewer with a defined residential density of 1 to 4 dwelling units per acre. In the surrounding neighborhood, this property sits on the southern edge of an area of extensive Low Density Residential designated land. Southwest of the site, the land is primarily designated as Village Center/Town Center while lands across Maryland 80 are designated primarily as Institutional. Proposed development of this property under the Planned Unit Development is consistent with the County Comprehensive Plan.

The Board adopts the one-mile neighborhood delineated in the Staff Report.

Based on all the evidence submitted in this matter, the Board of County Commissioners determines that this project concept is both feasible and desirable. The Board finds that the proposal complies with all the purposes of the PUD classification and will further those purposes. The Board finds that this proposal is compatible with adjoining land uses and will have no significant adverse impacts. The Board finds that this proposal is in the public interest. The Board finds that the required conditions are

related both in nature and extent to the impact of the proposed development. The Board establishes the maximum gross land use density to be the same as the maximum gross land use density for the Urbana Planned Unit Development.

The proposed PUD Floating Zone classification will be granted subject to the condition that: (1) As part of the Site Plan Review application for this property, a safety analysis of the access options to this property shall be submitted.

ORDINANCE

BE IT ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, MARYLAND, that for the reasons set forth above, Rezoning Case No. 05-05 is hereby **GRANTED** for the reclassification of 0.62 acres of land, more or less (as delineated in the record), from the Agricultural classification to the Planned Unit Development (PUD) Floating Zone classification, subject to the following condition: (1) As part of the Site Plan Review application for this property, a safety analysis of the access options to this property shall be submitted.

AND BE IT FURTHER ENACTED AND ORDAINED BY THE BOARD, that the Zoning Administrator is hereby authorized and directed to make the appropriate change on the Zoning Map showing this reclassification, with condition, as indicated above.

AND BE IT FURTHER ENACTED AND ORDAINED BY THE BOARD, that the Phase 1 Plan for the Urbana PUD is amended to include this property.

The undersigned hereby certify that this Ordinance was approved and adopted on the 3rd day of January, 2006.

BOARD OF COUNTY COMMISSIONERS
OF FREDERICK COUNTY, MARYLAND

By: Michael L. Cady
Michael L. Cady, Vice President

By: John R. Lovell, Jr.
John R. Lovell, Jr.

By: Jan H. Gardner
Jan H. Gardner

ATTEST:

Douglas D. Browning
Douglas D. Browning
County Manager

Commissioner John L. Thompson, Jr. voted against the proposed PUD Floating Zone classification. Commissioner Bruce L. Reeder did not participate in the decision on this application.